

POLICY DOCUMENTATION



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FCM

Federation of
Canadian
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Fédération
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municipalités

**Task Force
On
Municipal Labour Relations
Policy Statement**

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FEDERATION OF CANADIAN MUNICIPALITIES

POLICY STATEMENT

ON

MUNICIPAL LABOUR RELATIONS

The Federation of Canadian Municipalities has a role in utilizing its resources in enhancing the effectiveness of labour relations and initiatives in the municipal field. An aim of the Federation is to improve the labour relations climate at the municipal level and, at the same time, to enhance the abilities of elected officials to respond appropriately to the complex demands of labour relations and negotiations.

Acting as the national voice for the elected officials of municipalities across Canada, the FCM can make a contribution by

- (a) focussing on upgrading the information systems available to municipal officials in the labour relations field,
- (b) promoting the training of municipal negotiators and elected officials in the municipal labour relations through workshops and seminars, and
- (c) providing a forum for the discussion of local government strategies in municipal collective bargaining.

THE ISSUES AND THE OPTIONS

CLEARINGHOUSE FOR LABOUR INFORMATION

In the area of information dissemination, there does not currently exist one central clearinghouse for information relating to municipal labour relations. As a result,

municipal elected officials may be placed at a disadvantage in their negotiations with labour union officials who are better able to access data across Canada.

The Federation of Canadian Municipalities should be in a position to act as the focal point for clearing information relating to labour relations. Given the availability of resources, the FCM should, with the support of provincial associations, maintain up-to-date information on municipal labour relations in Canada including provincial and federal legislation, copies of municipal associations reactions to proposed legislation, key arbitration board decisions, important court decisions, human rights legislation, and other documentation referring to the broad area of labour relations.

The purpose of such a clearinghouse would be to provide current and comprehensive labour relations data to member municipalities. This service could be coordinated through the various provincial associations which could be provided with a regular update of data available from the FCM head office. Coordination of this role with the provincial associations would be key to ensure that a duplication of resource does not result.

LABOUR EDUCATION ASSISTANCE

In addition to information dissemination, the FCM has a role to play in educating elected municipal officials in labour relations. The regular turnover of officials and the inadequacy of local municipal labour relations expertise have combined to render many officials at a disadvantage with thoroughly trained and experienced labour negotiators acting on behalf of the unions. This is particularly so in mid-sized to small municipalities.

In contrast to the wide variety of local labour relations skills which exist across the Canadian municipal scene, Labour Canada has funded the Labour Relations Financial Assistance Program in excess of \$30 million dollars. These funds, which are used in part for the training of union officials in collective bargaining, are distributed among individual members, independent union and six central organizations.

The FCM does not dispute the need for training of union officials. We do, however, recognize the same requirement on the management side for elected officials who must be aware of recent developments and trends in order to conduct effective negotiations.

The need for better training of appointed officials supporting municipal negotiations in the field of labour relations is recognized as well. The federal government and provincial governments are well equipped by way of professional and information resources to undertake collective bargaining with at least as much expertise, knowledge and capability as the public sector unions.

In stark contrast, the majority of Canadian municipalities (particularly those under 25,000 population) are poorly equipped to respond effectively to public sector unions. These municipalities have very poor access to information and often inadequately trained appointed officials who must represent or assist in representing a municipality. The result is often unreasonable settlements which become the bench mark for other municipalities.

Training through the FCM, provincial associations and professional administrative associations (for example, CAMA, CMPA) would improve current status. This training could be funded, at least in part, by the federal govern-

ment, through a program similar to their Labour Education Financial Assistance Program for union officials.

LOCAL GOVERNMENT AUTONOMY

There are a number of principles that the FCM wishes to support in the development of a position on municipal labour relations. The first relates to local government autonomy. The FCM supports the local autonomy of municipalities. It will resist, at the request of its members any action by provincial or federal governments which would require municipalities (without their consent) to bargain in regions of like employers or to bargain in conjunction with other employers.

The FCM would object strongly as an erosion of local government autonomy to any attempt for a government to create, through policy, through legislation, or through simple practice, a mechanism which would require municipalities (against the expressed desire of a majority of municipalities in the affected area) to negotiate one common agreement with other like municipalities in the region.

CHANGES TO BARGAINING UNITS

Moreover, the FCM feels strongly that there is a need to support employee freedom of association.

Employees engaged in separate departments of municipalities must be given the opportunity to determine for themselves whether they constitute a separate unit for the sake of collective bargaining. Those having experience with municipal government recognize that there are many departments and services in local government and the procedures at present require, in many cases, fragmentation

where there is no "community of interest" from a bargaining point of view.

We believe that it is fundamental that the "community of interest" criteria as applied to the particular organizational cultures of individual municipalities is still the best way to guarantee this freedom.

CONTRACT NEGOTIATION STRATEGIES

There is a role for the FCM to play in developing a mechanism whereby reasonable strategies for major labour contract issues could evolve informally. There is a need to provide a mechanism, however informal, for all municipalities so that local settlements do not impinge on the ability of others to negotiate reasonable settlements in their own areas.

Municipalities have experienced the problem that some unions have used the settlements on wages and benefits negotiated in other parts of Canada to support their demands on local basis. This "leapfrog" effect has caused abnormal settlements in each region of Canada which may be intensified over several successive years of continuing practice.

Representatives of the Canadian Association of Municipal Administrators (CAMA) and the Canadian Municipal Personnel Association (CMPA) believe that informal meetings on a regional basis between the Mayor (Reeve), CAO and perhaps the Personnel Officer in each municipality could have a beneficial effect in developing strategies and exchanging information for dealing with this situation.

These strategies would be informal understandings on such key issues as salaries, major benefit changes and

overall target approaches. The resulting information would be made available to all regional communities and through the FCM head office on a national basis or from the FCM via the provincial associations to those municipalities requesting this information.

The strategies which evolve would be of a "consensus" nature and flexible in order to recognize fully local conditions and the desire of elected officials for protecting local autonomy.

RECOMMENDATIONS

The Task Force on Labour Relations recommends that the FCM:

1. endeavour to use its resources in enhancing the effectiveness of labour relations programs and initiatives in the municipal field;
2. recognize that it has a responsibility to act as a clearinghouse for information relating to labour relations, in cooperation with provincial associations;
3. recognize and support the importance of well qualified elected municipal officials and support their training and education in the field of labour and use its resources to lobby actively the federal government to provide education and training funding;
4. recognize and support the importance of well qualified, appointed municipal officials and support their training and education in the field of labour and use its resources to lobby actively the federal government to provide education and training funding;

5. support the principle of local autonomy and resist on behalf of its members any action by provincial or federal governments which would require municipalities to bargain in regions of like employers unless the consent of a majority of parties involved is received;
6. support the long-held and practiced tradition of employees bargaining direct with their employers through clearly defined and approved bargaining units;
7. support, where practical and acceptable to its members, the development of informal contract negotiations strategies on a regional basis, as long as these strategies do not interfere with the principle of local autonomy.